

REMARKS

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "Version with Markings to Show Changes Made."

By way of summary, Claims 1-17 were initially filed. By the present Amendment, claim 9 is cancelled and claim 1 is amended. Accordingly, claims 1-8 and 10-17 are now under examination. Claim 1 has been amended for purposes of clarification of the invention.

I. The Examiner's Rejection.

Claims 1-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Newnham *et al.* (U.S. Patent No. 5,729,077).

II. Patentability Argument.

The Examiner has rejected claim 1-17 under 35 U.S.C. §102(b) as being as being anticipated by Newnham *et al.* (U.S. Pat. No. 5,729,077). The present invention is not anticipated by Newnham *et al.* The Applicants note the Examiner's reference to Figs. 2, 4 and 8 in the '077 patent. Applicants acknowledge Fig. 2 of the '077 patent as prior art Fig. 2 of the subject application. With reference to Applicants' Fig. 3, the Examiner will note the novelty of the present invention where the single transducer (omnidirectional beam) of the '077 patent is replaced with two transducers that are out of phase (directed beam). The present invention is a Class V flextensional transducer producing a directional beam and method of use of such apparatus heretofore unknown in the art. The apparatus of the present invention comprising two transducers with a distinct out-of- phase relationship and directed beam pattern is notably different from the art. The Newnham *et al.* patent is clearly distinguishable from the present invention. The rejection under 35 U.S.C. §102(b) should be withdrawn

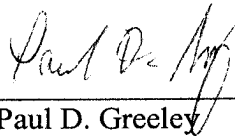
Conclusion.

The present invention provides a new and unobvious Class V flextensional transducer producing a directional beam. Currently pending claims directed to the device and method of the invention are believed to satisfy statutory conditions of patentability. The presently amended claims under examination are offered to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In view of the above remarks responsive to the subject Office Action, the Applicants believe that the rejection under 35 U.S.C. §102(b) should be withdrawn. The claims as currently presented distinguish from the art reference and represent patentable subject matter. Reconsideration and allowance, being in order, are earnestly solicited. Should there be further issues, the undersigned would welcome a telephone call from the Examiner to facilitate their resolution.

Respectfully submitted

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